

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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DENNIS JOHN TIMS,

Plaintiff,

v.

DAVE FIELDS and  
NURSE KLOVAS,

Defendants.

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ORDER

19-cv-508-wmc

*Pro se* plaintiff Tims is proceeding to trial on June 12, 2023, on his Fourteenth Amendment claims that defendants Fields and Klovas failed to provide him needed dental care in 2019 while held at the Clark County Jail. On June 1 the court issued an Opinion and Order addressing motions in limine and pretrial materials. (Dkt. #262.) Since then the court received multiple submissions from Tims (dkt. ##264, 265, 266), as well as Tims' witness fee checks. In this order the court corrects an omission from the court's order regarding Tims' witnesses, directs service of the subpoenas as necessary, along with witness fees, and some of addresses Tims' other concerns.

**I. Witnesses**

Previously the court provided an anticipated order of Tims' witnesses, but omitted witness Dr. Ganshert. The court corrects that mistake and provides the following proposed order of plaintiff's witnesses at trial:

**First afternoon:**

1:30 p.m.: Inmate Jonathan Churkey from Stanley Correctional Institution (Zoom)

2:00 p.m.: Dr. David Walther (Zoom)

2:30 p.m.: Dr. Steven Kinziger (Zoom)

3:00 p.m.: Brendt King (In person)

3:30 p.m.: Laci Tlusty (Zoom)

4:00 p.m.: Todd Tessman (In person)

**Second morning:**

9:00 a.m.: Dr. Paul Ganshert (Zoom)

This morning, the court received witness fee checks from Tims, so it will issue subpoenas for Dr. Walther, Dr. Kinziger, Dr. Ganshert and Laci Tlusty to testify at trial by Zoom. The court has made arrangements with the Wisconsin Department of Justice to accept service of the subpoenas for all three dentists, and with defendant Klovas's counsel to accept service of the subpoena for Tlusty.

**II. Tims' submissions (dkt. ##264, 265, 266)**

In addition, Tims raises three concerns in response to the court's June 1 Opinion and Order:

*First*, he states that although he submitted check disbursement requests on May 26, 2023, as directed by the court, those requests have not gone through. The court received the checks today, so this concern is moot.

*Second*, Tims represents that he has been unable to receive dental x-rays that were taken at Dodge Correctional Institution before and after his broken molar extraction in 2019. The Wisconsin Department of Justice has provided those images, which the court has forwarded to the parties for their review before tomorrow's FPTC. So, this concern is also moot.

*Third*, Tims responds to the court's order regarding proof of defendant Fields' other, claimed instances of mishandling inmate dental needs, as well as defendant's challenge to the admissibility of witness Jonathan Churkey's testimony. The court will take up Tims' proffers on those matters and hear argument during the July 7, 2023, final pretrial conference..

### ORDER

- 1) The clerk of court is directed to issue subpoenas for the Zoom testimony of: Dr. David Walther, Dr. Steven Kinziger and Laci Tlusty on Monday June 12, 2023; and Dr. Paul Ganshert on Tuesday June 13, 2023.
- 2) The clerk of court will make arrangements for Attorney Woodward to accept service of the subpoena and witness fee for Laci Tlusty, and for the Wisconsin Department of Justice to accept service of the subpoenas and witness fees for Drs. Walther, Kinziger and Ganshert.
- 3) The clerk of court is directed to forward this order to Waupun's litigation coordinator to ensure that Tims receives it today.

Entered this 6th day of June, 2023.

BY THE COURT:

/s/

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WILLIAM M. CONLEY  
District Judge